

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LIFENG L. HSU,	§
	§ No. 454, 2010
Defendant/Appellant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
GREAT SENECA FINANCIAL	§ C.A. Nos. 06A-07-005
CORP.,	§ 08A-10-003
	§
Plaintiff/Appellee Below-	§
Appellee.	§

Submitted: October 1, 2010

Decided: December 3, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 3rd day of December 2010, upon consideration of the appellant's opening brief and the record below,¹ it appears to the Court that:

(1) The appellant, Lifeng L. Hsu, filed an appeal from the Superior Court's orders dated June 7, 2007 and June 29, 2010, which affirmed the Court of Common Pleas' entry of summary judgment in favor of the appellee, Great Seneca Financial Corp. ("Great Seneca") and denied Hsu's motions to substitute another party, to compel the withdrawal of Great

¹ On September 22, 2010, the Court informed the parties that, because the appellee had chosen not to participate in the appeal, the Court would render its decision on the basis of the appellant's opening brief and the record below.

Seneca's Delaware counsel and to dismiss the Court of Common Pleas' ruling. For the reasons that follow, we conclude that the Superior Court's judgment must be affirmed.

(2) The record before us reflects that, in January 2005, Great Seneca purchased Hsu's credit card debt from Madison Street Investments, an assignee of Chase Manhattan Bank. Great Seneca filed suit in the Court of Common Pleas requesting repayment of the debt in the amount of \$11,616.00. Hsu filed an answer and counterclaim. On May 17, 2006, following a hearing to consider the parties' cross motions for summary judgment, the Court of Common Pleas entered summary judgment in favor of Great Seneca. Hsu filed a motion to amend the judgment, which the Court of Common Pleas also denied.

(3) Hsu then appealed to the Superior Court. By order dated June 7, 2007, the Superior Court affirmed the Court of Common Pleas' findings of fact, with one exception, and remanded the matter to the Court of Common Pleas for further proceedings. On remand, the Court of Common Pleas resolved the one remaining issue of fact in favor of Great Seneca and amended its original order to reflect a specific monetary judgment. Hsu again appealed the Court of Common Pleas' judgment, which the Superior Court affirmed in an order dated June 29, 2010.

(4) In Hsu’s appeal from the Superior Court’s June 7, 2007 and June 29, 2010 orders, he claims that the Superior Court improperly affirmed the Court of Common Pleas judgment because a) as a “debt collector,” Great Seneca may not bring suit against him under the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692 *et seq.*, and b) there are unresolved issues of material fact, precluding the entry of summary judgment against him.

(5) A trial court may grant a motion for summary judgment where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.² The trial court’s decision is subject to a *de novo* standard of review on appeal.³ In an appeal to this Court from the Superior Court’s affirmance of a judgment of the Court of Common Pleas, this Court will affirm the Superior Court’s judgment if there is no legal error and the factual findings of the Court of Common Pleas are supported by the record and are the product of an orderly and logical deductive process.⁴ Findings of the Court of Common Pleas that are supported by the record

² *AeroGlobal Capital Mgmt., LLC v. Cirrus Indus., Inc.*, 871 A.2d 428, 443 (Del. 2005).

³ *Id.*

⁴ *Moss v. Prudential-Bache Securities, Inc.*, 581 A.2d 1138, 1140 (Del. 1990).

must be accepted even if this Court, acting independently, would have reached a contrary conclusion.⁵

(6) We have reviewed this matter carefully and conclude that, in the absence of any legal error or abuse of discretion, the judgment of the Superior Court affirming the judgment of the Court of Common Pleas must itself be affirmed. The Superior Court properly determined that the Court of Common Pleas was correct in ruling that the FDCPA did not preclude Great Seneca from bringing a debt action against Hsu in Delaware and that, in the absence of any issue of material fact, Great Seneca was entitled to the entry of summary judgment in its favor. We also conclude that the Superior Court correctly denied Hsu's motions.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

⁵ *Levitt v. Bouvier*, 287 A.2d 671, 673 (Del. 1972).